

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ARI TEMAN,

Defendant.

19-CR-696 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

In light of new defense counsel’s recent filing putting at issue, *inter alia*, whether Bank of America will be entitled to restitution, Dkt. 218, the Court, in an excess of caution, notifies counsel of the following. The Court does not have a financial holding in Bank of America. However, as reflected in the Court’s annual financial disclosure reports, the Court’s family owns stock in Berkshire Hathaway, Inc., which is a beneficial owner of more than 10% of Bank of America’s outstanding common stock.

The Court’s considered judgment is that this circumstance—in which the Court may be called upon to resolve Bank of America’s entitlement to restitution—is not one in which this judge’s “impartiality might reasonably be questioned,” so as to require recusal. *See* 28 U.S.C. § 455(a); *United States v. Ravitch*, 421 F.2d 1196, 1205 (2d Cir. 1970).¹ However, to the extent that any party takes a different view, counsel are at liberty to so advocate.

SO ORDERED.

¹ Nor does the Court have a financial interest in a party to this criminal proceeding within the meaning of 28 U.S.C. § 455(b)(4). *See Ravitch*, 421 F.2d at 1205 (“This was not an action by the Franklin National Bank but a criminal prosecution by the United States.”).



PAUL A. ENGELMAYER
United States District Judge

Dated: May 5, 2021
New York, New York